

EIGHTH DAY.

Senate Chamber,
Austin, Texas,
Thursday, January 18, 1917.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor W. P. Hobby.

The roll was called, a quorum being present, the following Senators answering to their names:

Alderdice.	Harley.
Bailey.	Henderson.
Bee.	Hopkins.
Buchanan of Bell.	Johnson of Hall.
Buchanan of Scurry.	Johnston of Harris.
Caldwell.	King.
Clark.	Lattimore.
Dayton.	McCollum.
Dean.	McNealus.
Decherd.	Page.
Floyd.	Parr.
Gibson.	Strickland.
Hall.	Woodward.

Absent.

Robbins.

Absent—Excused.

Hudspeth.	Suiter.
Smith.	Westbrook.

Prayer by the Rev. O. T. Hotchkiss of Bay City, Texas.

Pending the reading of the Journal of yesterday, the same was dispensed with, on motion of Senator Clark.

Appointment of Pages.

The Lieutenant Governor announced the appointment of the following pages to places of resignations:

Sam Rogers, appointed on Monday, January 15.

Dick McNutt, from January 18.

Simple Resolution No. 24.

(By unanimous consent.)

By Senator McNealus:

Whereas, The Hon. W. D. Suiter, a Senator in this chamber, has met with a misfortune which seriously incapacitates him from performing his duties as a member of this body,

and which has caused him much suffering and anxiety; therefore be it Resolved, That the sympathies of the Senate be extended to him in his affliction; and be it further

Resolved, That such trained nurse and medical attention as may be necessary until he is sufficiently recovered to resume his duties in this chamber be provided by the Senate, and that said expenses be paid out of the contingent fund of the Senate.

The resolution was read and adopted.

Senate Bill No. 68—Made Special Order.

(By unanimous consent.)

Senator McNealus asked unanimous consent to call up Senate Bill No. 68, just reported, for the purpose of making it a special order. There was no objection.

Senator McNealus moved that the Senate rule requiring committee reports to lie over for one day be suspended.

The motion was adopted.

Senator McNealus moved that Senate Bill No. 68 be made a special order for Monday, January 29, 1917, immediately following the conclusion of the morning call.

The motion was adopted.

Bills and Resolutions.

By Senator Bailey:

S. C. R. No. 4: Whereas, The decision of the United States Supreme Court in what is known as the Shreveport rate case gives the Interstate Commerce Commission the right to strike down a State-made rate, notwithstanding the fact that the State rate may be just and reasonable within itself; and,

Whereas, If such is to remain the law, the right of a sovereign State to regulate its lines of railway transportation will be seriously crippled, if not destroyed; and,

Whereas, The platform of the Republican party, recently adopted at Chicago, contains a plank which boldly declares for the abolition of State railroad commissions; therefore be it

Resolved by the Senate of Texas,

the House of Representatives concurring, That the Legislature of Texas, voicing the sentiment of the people of this State, is irrevocably in favor of the doctrine of the right of a State to regulate purely State commerce, and that we now here declare our steadfast opposition to any further encroachment by the Federal government upon the rights of this State to regulate purely State commerce, and that our United States Senators and Representatives in Congress from Texas are earnestly requested to support and vote for any and every measure that has for its object the abridgment of the right of the Interstate Commerce Commission to further encroach upon the rights of a State, and for its further object the perpetuation of the right of a State to regulate purely State commerce and to fix and establish freight rates charged by railroad companies operative entirely within this State.

Resolved, further, That a copy of this resolution be sent to each of our Senators and Representatives in Congress.

The resolution was read and unanimously adopted.

Senator Bailey moved to reconsider the vote by which the resolution was adopted, and table the motion to reconsider.

The motion to table prevailed.

By Senator Bee:

S. B. No. 158, A bill to be entitled "An Act creating the office of county superintendent of public instruction; designating the counties to be affected thereby; prescribing the date and manner of the election of the county superintendent; fixing the term of office: providing that no present commissions shall be impaired by the provisions of this Act; prescribing the manner of establishing the office in counties where the office has not yet been created; defining the duties of commissioners courts with reference to said office; specifying the qualifications of the county superintendent; prescribing the oath, and fixing the bond of said officer; providing the manner of his removal from office, and stating the duties of the county school trustees with reference thereto; prescribing the manner of making the pro rata distribution of the State and county avail-

able school fund; establishing a scale of salaries; authorizing the county school trustees to provide necessary supervisory help; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Strickland:

S. B. No. 159, A bill to be entitled "An Act to appropriate out of the general revenue not heretofore appropriated the sum of \$25,000, or so much thereof as may be necessary, for the remainder of the fiscal year ending August 31, 1917, and the further sum of \$45,000, or so much thereof as may be necessary, for the fiscal year ending August 31, 1918, to defray the expenses of the Department of the State Health Officer of the State of Texas in intensive rural health work and rural sanitation leading to the prevention and eradication of malaria, hookworm, typhoid fever, and other contagious diseases in the State of Texas; authorizing the State Health Officer to supplement therefrom an amount equal to an amount appropriated or set aside by any county, or city or town therein, for such purposes; also authorizing the State Health Officer to accept donations from any source to supplement such fund, or funds; and declaring an emergency."

Read first time and referred to Committee on Finance.

By Senator Parr:

S. B. No. 160, A bill to be entitled "An Act to increase the authority of the Commissioners Court of Duval County, Texas, and of the county commissioners of said county; to require said county commissioners to devote their entire time and attention to the affairs of said commissioners court, and repealing all laws, general and special, in conflict with the provisions of this Act, and declaring an emergency."

Read first time and referred to Committee on Counties and County Boundaries.

By Senator McNealus:

S. B. No. 161, A bill to be entitled "An Act to prevent the control of municipal elections in cities and towns of this State located in counties having more than 130,000 pop-

ulation according to the last Federal census by the use of money; and to regulate and limit the expenditure of money to influence the result of such elections, and providing penalties for violations of this Act, and declaring an emergency."

Read first time and referred to Committee on Privileges and Elections.

By Senator Henderson:

S. B. No. 162, A bill to be entitled "An Act to validate certificates of indebtedness issued by commissioners of improvement districts situated in the State to contractors for services rendered in repairing levees, partly destroyed by caving banks of rivers during the overflows of the year 1915, and to provide for and authorize the levy and collection of a tax in such districts by commissioners courts in the counties where such districts are situated with which to pay the principal and accruing interest of such certificates, and to issue refunding certificates payable in annual installments for a period of not exceeding ten years."

Read first time and referred to Committee on Mining, Irrigation and Drainage.

By Senator Dean:

S. J. R. No. 7, A Joint Resolution to amend Section 1 of Article 8 of the Constitution of the State of Texas so as to exempt from taxation county and city bonds, school and road district bonds, vendor's lien notes, and other securities bearing a rate of interest of six per cent or less."

Read first time and referred to Committee on Constitutional Amendments.

Simple Resolution No. 25.

By Senator Hopkins:

Whereas, Admiral George Dewey, the ranking naval officer of the world and America's most cherished hero, departed this life on the 16th day of January, 1917; and

Whereas, Admiral Dewey gained for America the most complete naval victory in the world's history and gave to the American Navy a fixed place as one of the most powerful navies of the world; therefore be it

Resolved by the Senate of Texas, That we express our sincere sorrow in the loss of our great national hero, and that when we adjourn today we adjourn in memory of Admiral Dewey.

The resolution was read and adopted.

Morning call concluded.

Anti-Nepotism Law.

Acts Thirty-fourth Legislature, Chapter 95—Constitution, Article 3, Section 1—Constitution, Article 4, Section 16.

1. The Speaker of the House cannot appoint to any office, position, clerkship, employment or duty any person related within the second degree of affinity or within the third degree of consanguinity to any member of the House or to any member of the Senate.

2. Words and phrases.

Attorney General's Department,
Austin, Texas, January 11, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives, Capitol.

Dear Mr. Speaker: Your inquiry addressed to the Attorney General is as follows:

"Please give me a written opinion as to whether or not one who is related to a member of the House can be employed in the Senate, and whether an employe of the House who is related to any member of the State Senate can legally serve."

A reply to your questions involves a construction of Chapter 95, page 149, General Laws of the Thirty-fourth Legislature. This chapter reads substantially as follows:

"Article 381. Nepotism Defined.—Subject to the exceptions set forth in Article 384, it shall hereafter be unlawful for any officer of this State, or for any officer of any district, county, city, precinct, school district or other municipal subdivision of this State, or for any officer or member of any State, district, county, city, school district or other municipal board, or judge of any court, created by or under authority of any general or special law of this State, or member of the Legislature, to appoint, or vote for, or to confirm, the appoint-

ment to any office, position, clerkship, employment or duty, of any person related within the second degree by affinity or within the third degree by consanguinity to the person so appointing or so voting, or to any other member of any such board, the Legislature, or court of which such person so appointing or voting may be a member, when the salary, fees, wages, pay or compensation of such appointee is to be paid for, directly or indirectly, out of or from public funds or fees of office of any kind or character whatsoever.

"Article 382. Officers included.—The inhibitions declared by and set forth in this law shall apply to and include the Governor, Lieutenant Governor, Speaker of the House of Representatives, Railroad Commissioners, heads of departments of the State Government, judges and members of any and all boards and courts established by or under authority of any general or special law of this State, members of the Legislature, mayors, commissioners, recorders, aldermen and members of school boards of incorporated cities and towns, public school trustees, officers and members of boards of managers of the State University and of its several branches, and of the various State educational institutions and of the various State eleemosynary institutions, and of the penitentiaries; but this enumeration is not intended and shall not be construed or held to exclude from the operation and effect of this law any person included within its general provisions."

Stripped of surplus verbiage as applied to your inquiries, the above Act declares in substance that it shall be unlawful for any member of the Legislature to appoint to any office, position, clerkship, employment or duty any person related within the second degree by affinity or within the third degree by consanguinity to the person so appointing or to any other member of the Legislature. The one question necessary to determine is, what is meant by a member of the Legislature?

Article 382, quoted above, declares that the Speaker of the House of Representatives and the Lieutenant Governor are included within the inhibitions above named. Section 1 of

Article 3 of the Constitution reads:

"The legislative power of this State shall be vested in a Senate and House of Representatives which together shall be styled 'The Legislature of the State of Texas.'"

From this plain provision of the Constitution, it follows that the term Legislature embraces both the Senate and the House of Representatives, and that one who is a Senator is a member of the Legislature and one who is a Representative is a member of the Legislature. The word Legislature as used in legislative Acts does not mean simply the members who compose the Legislature, but refers to the lawmaking body or power of the State as established by the Constitution.

Schrader vs. Polley, 127 N. W., 848.

The phrase used in the article of the statutes quoted, "member of the Legislature," means a member of the lawmaking body of the State as defined in the Constitution, and refers to both members of the House and of the Senate.

Section 16 of Article 4 of the Constitution makes the Lieutenant Governor a member of the Senate, and authorizes him to take part in the making of the laws of the State as a part of that body to which is confided the enactment of laws.

The Speaker of the House is, of course, a member of the House and, therefore, of the Legislature.

From what we have said above, it follows that the Speaker of the House cannot appoint to any office, position, clerkship, employment or duty any person related within the second degree by affinity or within the third degree by consanguinity to any member of the House or to any member of the Senate.

The same rule will apply in the case of an appointment by the Lieutenant Governor or President of the Senate.

Yours very truly,

C. M. CURETON,
Assistant Attorney General.

The above opinion has been considered in conference and is approved.

Attorney General.

The above is printed here by order of the Senate.

Senate Bill No. 47.

(By unanimous consent.)

By request of Senator Dean,

The Chair laid before the Senate on second reading,

S. B. No. 47, A bill to be entitled "An Act making appropriations for the support and maintenance of the Sam Houston Normal School; the San Marcos Normal School; the Denton Normal School, and the Canyon City Normal School during the summer of 1917, and declaring an emergency."

The bill was read the second time and

Senator Dean offered the following amendment, which was read and adopted:

Amend the bill by striking out lines 7 and 8 in the caption of the bill and inserting the following: "The Sam Houston Normal Institute, the North Texas Normal, the Southwest Texas Normal."

Senator Hopkins offered the following amendment, which was read and adopted:

Amend Senate bill No. 47 by striking out in line 15, page 1, the figures \$15,000 and insert in lieu thereof \$20,000.

Senator Lattimore offered the following amendment, which was read and adopted:

Amend caption of bill by changing name of "Southwest Texas Normal" to "Southwest Texas State Normal School" and by adding the word "school" after the words "West Texas Normal" so that the designation of the schools may conform to statutory name of each school.

Senator Lattimore offered the following amendment, which was read and adopted:

Amend bill by inserting in line 16 the word "State" and by inserting in line 17 the word "School" after word "Normal."

The bill was read second time and passed to engrossment.

On motion of Senator Dean, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 47 put on its third reading and final passage by the following vote:

Yeas—24.

Alderdice.	Harley.
Bailey.	Henderson.
Bee.	Hopkins.
Buchanan of Bell.	Johnson of Hall.
Buchanan of Scurry.	Johnston of Harris.
Caldwell.	King.
Clark.	Lattimore.
Dayton.	McCollum.
Dean.	Page.
Decherd.	Parr.
Floyd.	Strickland.
Gibson.	Woodward.

Absent.

Hall.	Robbins.
McNealus.	

Absent—Excused.

Hudspeth.	Suiter.
Smith.	Westbrook.

S. B. No. 47 was laid before the Senate, read third time, and passed finally by the following vote:

Yeas—24.

Alderdice.	Harley.
Bailey.	Henderson.
Bee.	Hopkins.
Buchanan of Bell.	Johnson of Hall.
Buchanan of Scurry.	Johnston of Harris.
Caldwell.	King.
Clark.	Lattimore.
Dayton.	McCollum.
Dean.	Page.
Decherd.	Parr.
Floyd.	Strickland.
Gibson.	Woodward.

Absent.

Hall.	Robbins.
McNealus.	

Absent—Excused.

Hudspeth.	Suiter.
Smith.	Westbrook.

Senator Dean moved to reconsider the vote by which S. B. No. 47 was passed and table the motion to reconsider.

The motion to table prevailed.

Senate Bill No. 40.

The Chair laid before the Senate, on second reading, and regular order, S. B. No. 40, A bill to be entitled

"An Act to make appropriation to cover the cost of a fire proof brick dormitory at the Prairie View State Normal and Industrial College at Prairie View, Waller County, Texas, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Johnston of Harris, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 40 put on its third reading and final passage by the following vote:

Yeas—24.

Alderdice.	Harley.
Bailey.	Henderson.
Bee.	Hopkins.
Buchanan of Bell.	Johnson of Hall.
Buchanan of Scurry.	Johnston of Harris.
Caldwell.	King.
Dayton.	Lattimore.
Dean.	McCollum.
Decherd.	McNealus.
Floyd.	Page.
Gibson.	Strickland.
Hall.	Woodward.

Absent.

Clark.	Robbins.
Parr.	

Absent—Excused.

Hudspeth.	Sulter.
Smith.	Westbrook.

S. B. No. 40 was laid before the Senate, read third time and passed finally by the following vote:

Yeas—25.

Alderdice.	Henderson.
Bailey.	Hopkins.
Bee.	Johnson of Hall.
Buchanan of Bell.	Johnston of Harris.
Buchanan of Scurry.	King.
Caldwell.	Lattimore.
Dayton.	McCollum.
Dean.	McNealus.
Decherd.	Page.
Floyd.	Parr.
Gibson.	Strickland.
Hall.	Woodward.
Harley.	

Absent.

Clark.	Robbins.
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Absent.

Hudspeth.	Sulter.
Smith.	Westbrook.

Senator Johnston of Harris moved to reconsider the vote by which S. B. No. 40 was passed and table the motion to reconsider.

The motion to table prevailed.

Senate Bill No. 123.

(By unanimous consent.)

By request of Senator Decherd,

The Chair laid before the Senate, on second reading,

S. B. No. 123, A bill to be entitled "An Act to make an emergency appropriation for the cost of construction of a fireproof dormitory; to supplement the present available appropriation for the erection of a power plant, and to provide for the maintenance, support and direction of the summer school at the Agricultural and Mechanical College of Texas for the fiscal year ending August 31, 1917, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Decherd, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 123 put on its third reading and final passage by the following vote:

Yeas—25.

Alderdice.	Henderson.
Bailey.	Hopkins.
Bee.	Johnson of Hall.
Buchanan of Bell.	Johnston of Harris.
Buchanan of Scurry.	King.
Caldwell.	Lattimore.
Clark.	McCollum.
Dean.	McNealus.
Decherd.	Page.
Floyd.	Parr.
Gibson.	Strickland.
Hall.	Woodward.
Harley.	

Absent.

Dayton.	Robbins.
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Absent—Excused.

Hudspeth.	Sulter.
Smith.	Westbrook.

S. B. No. 123 was laid before the Senate, read third time, and passed finally by the following vote:

Yeas—24.

Alderdice.	Harley.
Bailey.	Hopkins.
Bee.	Johnson of Hall.
Buchanan of Bell.	Johnston of Harris.
Buchanan of Scurry	King.
Caldwell.	Lattimore.
Clark.	McCollum.
Dean.	McNealus.
Decherd.	Page.
Floyd.	Parr.
Gibson.	Strickland.
Hall.	Woodward.

Absent.

Dayton.	Robbins.
Henderson.	

Absent—Excused.

Hudspeth.	Suiter.
Smith.	Westbrook.

Senator Decherd moved to reconsider the vote by which S. B. No. 123 was passed and table the motion to reconsider.

The motion to table prevailed.

Senate Bill No. 154.

(By unanimous consent.)

Senator Woodward here moved to suspend the Senate rule requiring committee reports to lie over for one day, for the purpose of considering S. B. No. 154, just reported.

The motion was adopted.

The committee report was adopted.

The Chair laid before the Senate on second reading,

S. B. No. 154, A bill to be entitled "An Act to create a special road law for Llano County, Texas, and to provide for the appointment of a superintendent of public highways and bridges, by the commissioners court, and the fixing of the term of office and salary, and defining his duties."

The bill was read second time and passed to engrossment.

On motion of Senator Woodward, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 154 put on its third reading and final passage by the following vote:

Yeas—26.

Alderdice.	Bee.
Bailey.	Buchanan of Bell.

Buchanan of Scurry	Hopkins.
Caldwell.	Johnson of Hall.
Clark.	Johnston of Harris.
Dayton.	King.
Dean.	Lattimore.
Decherd.	McCollum.
Floyd.	McNealus.
Gibson.	Page.
Hall.	Parr.
Harley.	Strickland.
Henderson.	Woodward.

Absent.

Robbins.

Absent—Excused.

Hudspeth.	Suiter.
Smith.	Westbrook.

S. B. No. 154 was laid before the Senate, read third time, and passed finally by the following vote:

Yeas—25.

Alderdice.	Harley.
Bailey.	Henderson.
Bee.	Hopkins.
Buchanan of Bell.	Johnson of Hall.
Buchanan of Scurry	Johnston of Harris.
Caldwell.	King.
Clark.	Lattimore.
Dayton.	McNealus.
Dean.	Page.
Decherd.	Parr.
Floyd.	Strickland.
Gibson.	Woodward.
Hall.	

Absent.

McCollum.	Robbins.
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Absent—Excused.

Hudspeth.	Suiter.
Smith.	Westbrook.

Senator Woodward moved to reconsider the vote by which S. B. No. 154 was passed and table the motion to reconsider.

The motion to table prevailed.

Adjournment.

On motion of Senator Clark the Senate, at 12 o'clock noon, adjourned until 10 o'clock tomorrow morning.

. APPENDIX.**Petitions and Memorials.**

A numerous signed petition was read before the Senate protesting against a bill being passed regulating the sale of medicines, etc., by wagons throughout the rural districts.

Senator Floyd presented petitions relating to the above petition whereby the sale of medicines is upheld by the citizens of the rural districts.

Senator Lattimore presented a numerous signed memorial from citizens of Grapevine, Texas, commending his contention that the majority should prevail as a State matter.

Engrossing Committee Reports.

Committee Room,

Austin, Texas, January 18, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully compared Senate Bill No. 140 and find same correctly engrossed.

ALDERDICE, Chairman.

Committee Room,

Austin, Texas, January 18, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully compared Senate Bill No. 37 and find same correctly engrossed.

ALDERICE, Chairman.

Committee Room,

Austin, Texas, January 18, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully compared Senate Bill No. 146 and find same correctly engrossed.

ALDERDICE, Chairman.

Committee Reports.

Committee Room,

Austin, Texas, January 18, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Civil Jurisprudence, to whom was referred S. B. No. 24, A bill to be entitled "An Act to amend Article 1317, Title 25, Chapter 26, Revised Civil Stat-

utes of Texas, relating to the rights of foreign corporations in Texas under permits, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

BAILEY, Chairman.

Committee Room,

Austin, Texas, January 18, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Civil Jurisprudence, to whom was referred S. B. No. 87, A bill to be entitled "An Act to Amend Article 1714, Chapter 3, of Title 34 of the Revised Civil Statutes of the State of Texas, so as to require the consent of the parties to appear of record,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

BAILEY, Chairman.

Committee Room,

Austin, Texas, January 18, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Civil Jurisprudence, to whom was referred S. B. No. 65, A bill to be entitled "An Act to prohibit the owning, or operating, or the being interested in the owning, or the operating of any pool hall, or billiard hall, or any pool table, or billiard table, for profit, within the State of Texas,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, with the following amendments:

Amend the bill, by adding:

Section 3. That all laws and parts of laws in conflict herewith are hereby repealed.

Amend the caption by adding after the words "State of Texas" the words "and repealing all laws in conflict herewith."

BAILEY, Chairman.

Committee Room,

Austin, Texas, January 18, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 138, A bill to be entitled "An Act to provide for an appeal from interlocutory orders overruling motions to vacate orders appointing receivers."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

BAILEY, Chairman.

Committee Room,
Austin, Texas, January 18, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 26, A bill to be entitled "An Act to amend Articles 312, 314 and 318, of Chapter 1, Title 12, entitled Attorney at Law, of the Revised Statutes of 1911 of the State of Texas, relating to the granting of licenses to attorneys at law, so as to require applicant for license to apply to the board of legal examiners of the supreme judicial district in which such applicant resides; providing that where applicant is refused a license he must apply thereafter to the same board, and providing that immigrant attorneys must apply to the board of examiners of the supreme judicial district in which the seat of government of this State may be, and to repeal all laws in conflict herewith,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

BAILEY, Chairman.

(Majority Report.)

Committee Room,
Austin, Texas, January 18, 1917.
Hon. W. P. Hobby, President of the Senate.

Sir: A majority of your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 8, A bill to be entitled "An Act to amend Article 548, Chapter 4, Title 11, of the Penal Code of the State of Texas,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

PAGE, Chairman.

(Minority Report.)

Committee Room,
Austin, Texas, January 18, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, a minority of your Committee on Criminal Jurisprudence, to whom was referred Senate Bill No. 8,

Have had the same under consideration, and beg leave to report the bill back to the Senate with the recommendation that it do pass.

HENDERSON,
LATTIMORE.

Committee Room,
Austin, Texas, January 18, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Civil Jurisprudence, to whom was referred S. B. No. 44, A bill to be entitled "An Act to amend Article 7059, Chapter 3, of the Revised Statutes of the State of Texas of 1911,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass with the following amendment:

Amend the caption by adding after the figures "1911" the words "increasing the salaries to be paid to the judges of the district courts of this State, and declaring an emergency."

BAILEY, Chairman.

Committee Room,
Austin, Texas, January 18, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Internal Improvements, to whom was referred

S. B. No. 68, A bill to be entitled "An Act defining common carrier pipe lines engaged, or to engage in the transportation of petroleum oil; declaring all corporations, persons, partnerships, or associations of persons now engaged, or to hereafter engage in transporting petroleum oil from place to place in this State to be common carriers, declaring such common carriers to be public utilities and making them subject to the provisions of this Act; giving the Railroad Commission of Texas the power to regulate the rate of such transportation by such common carriers;

granting them the right to establish, maintain, and operate telegraph and telephone lines upon their rights of way in connection with their business, and to build and maintain their lines under and across or along streams, highways, and streets as other common carriers within this State; and providing against discrimination in favor of or against individuals, associations of persons or corporations in the conduct of their business; requiring them to exchange tonnage with other common carriers, and to receive and transport petroleum oil tendered to them for transportation; empowering said Commission to make rules and regulations for their conduct; and to require the construction and maintenance by them of loading racks and transfer and delivery stations, and the transfer and delivery of petroleum from such common carrier to another, and to fix the charges therefor, and to define merchantable oil, and to fix the amount of deduction to be made therefrom on account of water and other foreign substances, and on account of evaporation and leakage, and giving said Commission plenary power to make rules and regulations for the control of such carriers, and power to enforce their rules and regulations and the provisions of this Act; fixing penalties for the violation of this Act, and the rules and orders of said Commission; making certain violations a criminal offense, and fixing the penalty therefor, and providing means for the recovery of such penalties as are not made criminal, either by the State of Texas or the party aggrieved by such violation, naming the tribunal in which such recovery may be had; providing for the employment of an expert to assist the Commission, fixing his salary and making an appropriation therefor; levying a tax to pay such salary and other expenses; repealing all laws in conflict with this Act; providing that the invalidity of any part of this Act shall not invalidate the remaining parts hereof, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

JOHNSON of Hall, Chairman.

(Floor Report.)

Senate Chamber,
Austin, Texas, January 18, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred

S. B. No. 154, A bill to be entitled "An Act to create a special road law for Llano County, Texas, and provide for the appointment of a superintendent for public roads, highways and bridges by the commissioners court, and the fixing of the term of office and salary, and defining his duties,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

Caldwell, Chairman; Gibson, Floyd, Buchanan of Scurry, Strickland, Clark.

NINTH DAY.

Senate Chamber,
Austin, Texas,
Friday, January 19, 1917.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor W. P. Hobby.

The roll was called, a quorum being present, the following Senators answering to their names:

Alderdice.	Harley.
Bailey.	Henderson.
Bee.	Hopkins.
Buchanan of Bell.	Johnson of Hall.
Buchanan of Scurry	Johnston of Harris
Caldwell.	King.
Clark.	Lattimore.
Dayton.	McCollum.
Dean.	McNealus.
Decherd.	Page.
Floyd.	Parr.
Gibson.	Smith.
Hall.	Strickland.

Absent.

Robbins. Woodward.

Absent—Excused.

Hudspeth. Westbrook.
Sulter.

Prayer by the Chaplain.